

IN THE UNITED STATES MIDDLE DISTRICT OF ALABAMA

Courtney Boyd #208921  
Plaintiff

RECEIVED

Vs.  
Dr.Darbouze et.al.,  
Defendants

2008 MAR 27 A 9:18

Case No:2:06-CV-511-WKW

DEBRA P. HACKETT, CLK

MOTION TO ARREST THE JUDGEMENT ENTERED ON  
MARCH 18, 2008 AND NOTICE OF APPEAL

Comes Now, The Plaintiff, Courtney Boyd, moves into this Honorable Court Pursuant to Fed.R.Civ.Proce. Rule 59(e). The Plaintiff submit the following:

1. The Plaintiff filed a Complaint against the above Defendants for retaliation and denied of proper medical care a violation of the 8th and 14th Amendment of United States Constitution on 6-6-06.
2. This Honorable Court entered an order dismissing the plaintiff complaint with prejudice and without prejudice. Because the plaintiff did not allege that the failure to provide him the medical device or services was a retaliation. However the Plaintiff did infacted infromed both Ms.Kay Wilson and PHS Head Office of what was happening, and the Plaintiff did not get a answer form no one. See Exhibit A, which is a copy of this letter.
3. The Plaintiff was only asked to show that he followed his Administrative Rules which he what he did. If he was asked by this Honorable Court to show that he complained about the retaliation then he would have forward them this letter before now.
5. The Facted is that the Plaintiff have a genuine issue of material which would support a jury trial, becuase the documents in this case prove that what the plaintiff says happen more then it did not happen. And this is all the plainitff must prove in a Federal Court to entitle him to a New Trial.
6. The Plaintiff was wearing a back brace for Three Years before Dr.Darbouze took the one he had just gave him. This Back Brace was used to help support the plaintiff back when he is sleeped and when he walk for a long time . The Plaintiff has given had a Free-World Doctor to say that he has be given a life long back injury. This so even after Dr.Darbouze took the plaintiff back brace. See Exhibit in the plaintiff Trverse filed on 9-6-06, listed as Exhibit B.

WHEREFORE, The Plaintiff prays that this Honorable Court will grant this Motion and set this matter down for a hearing.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the Defendants Counsel, by placing it into Ventress. Corr.Fac., Mail Box on 3-25-08.

*Courtney Boyd  
Courtney Boyd*

STATE OF ALABAMA

COUNTY OF BARBOUR

AFFDAVIT

AFFDAVIT INSUPPORT OF MOTION TO ARREST JUDGEMENT AND NOTICE OF APPEAL

My, Name is, Courtney Boyd, and I'm over the age of 21 years old and is incarcerated at Ventress Corr.Fac. P.O.BOX 767 Clayton Ala.36016.

I do hereby swear that this Affdavit is true and correct, and that he did file a complaint to the Head Office of PHS and to Ms.Kay Wilson about the retaliation Against him and that because if this retaliation he is in serious pain without his back brace, because it help him sleep. However he ever got a answer back from anyone.

Pursuant to 28 U.S.C. Section 1746, I Courtney Boyd, do hereby sign under the oenalty of prejudice that the foregoing is true and corrected. Executed on March 25, 2008.

*Courtney Boyd #208921*  
Courtney Boyd #208921

Mr. Courtney Boyd #208921 B-1-10cell  
Eastern Ling Corr. Fac.  
200 Wallace Dr.

Clea, Ala 36019

Exhibit A

Date 7/20/06

PRI SON HEALTH SERVICE (PHS)

Suite 200 105 West Park Drive  
Brentwood, TN 37027

Re In: Retaliation and Denial of Medical Head:

Dear Lady's & Gentleman,

Greeting, I am writing to you today, Because of the retaliation and Denial of Medical Service. I wrote you a Complaint on 5-04-2006, which I Complained about your employee. The Fact that ~~they~~ Ms. Key Wilson and Dr. Darbaze knew, that I have a back problem, which I need my back brace for it to sleep, and without it I'm only keep hurting myself. I Don't know why your employee are retaliating against me for writing up on them. But they are! I have Complained about your employee Nurse S. Bush over three ~~time~~ time, as well as Dr. Darbaze, and Ms. Key Wilson, and each time I never got a answer from Ms. Key Wilson about it. I have file Complaints, Grievances, and Appeal Grievances, which I never received back.

As I stated in my last Grievance form, the Retaliation of your employee are causing me serious pain, being without my back brace. This is a violation of my 8th and 14th

Amendment. But their retaliation must stop, because  
I'm the only one who is being hurt by this retaliation.  
The sad thing is Mr. Darbaze, Mr. Kay, Zayyan, S. Beta,  
Know that without my back brace, I will not be able  
walk for a long time without my back going out,  
because I have been brought to the HCU on a  
because my back went out over ~~10 time~~ So please  
help me out, and stop your employee from retaliating  
against me for working you, and have them to give me my  
back brace back, because I need it to help me sleep.  
I sent Ms. Kay on 2-18-08 a copy of that complaint.  
Thank you for your time on this matter.

~~Courtney 139~~  
Courtney Corr. Fac.  
200 Wallace Dr.  
C. I., AL, 36017

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NAME Courtney Boyce AIS # 208921 DORM # 13415A  
VENTRESS CORRECTIONAL FACILITY  
P. O. BOX 767  
Clayton, AL 36016



**"This correspondence is forwarded from  
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of Corrections is not responsible for the substance  
or content of the enclosed communication."**

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United States Middle District

P.O. Box 711  
Montgomery, AL

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